IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21520 of 2004

Between:

B.Kesava Reddy, S/o.Late B.Narayana Reddy,

C.No.404709, R/o.D.No.3-310-2-1-k,

Nallagutta street, Kadiri, Ananthapur District.

..... PETITIONER

AND

1. The Depot Manager, A.P.S.R.T.C., Kadiri Depot, Kadiri, Ananthapur District.
2. The Divisional Manager, A.P.S.R.T.C., Hindupur Division, Hindupur,

Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the proceedings No.02/95(26)/02-KDR dated 16.07.2002 of the first respondent and proceedings No.PA/19(78)02-DVM-HP dated 21.11.2002 of the second respondent as illegal, arbitrary and inviolation of principles of natural justice and inviolation of Article 14 and 21 of the Constitution of India and consequently direct the respondents to add two annual increments to the pay of the petitioner.

Counsel for the Petitioner:MR.G.B.S.S.PAPA RAO

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY (SC FOR

APSRTC)

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21520 OF 2004

ORDER:

The petitioner was appointed as Conductor in the respondent-Corporation. A charge memo was issued to him for cash and ticket irregularities. The petitioner submitted his explanation. The grievance of the petitioner is that the second respondent without considering the explanation and without conducting any enquiry passed the impugned order stopping two annual increments with cumulative effect. The petitioner, therefore, approached this Court through this writ petition to declare the proceedings of the first respondent dated 16.07.2002 as illegal, arbitrary and violative of principles of natural justice.

The petitioner contends that the punishment imposed on him is a major penalty. It cannot be imposed without conducting any enquiry. The first respondent without conducting any enquiry imposed the said punishment. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondents did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the first respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 16.07.2002 is not sustainable under law.

Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of two increments with cumulative effect imposed on the petitioner into one of stoppage of one increment without

cumulative effect.

The Writ Petition is accordingly disposed of. No costs.

24.11.2004

usd

To

1. The Depot Manager, A.P.S.R.T.C., Kadiri Depot, Kadiri, Ananthapur District.

2. The Divisional Manager, A.P.S.R.T.C., Hindupur Division, Hindupur, Ananthapur District.

3. Two CD copies.